

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE LANDS COUNCIL, a
Washington nonprofit
corporation, HELLS CANYON
PRESERVATION COUNCIL, an
Oregon nonprofit corporation,
OREGON NATURAL RESOURCES
COUNCIL, an Oregon nonprofit
corporation, and SIERRA CLUB,
a California nonprofit
corporation,

Plaintiffs,

v.

KEVIN MARTIN, Forest
Supervisor of the Umatilla
National Forest, and the
UNITED STATES FOREST SERVICE,
an agency of the United
States Department of
Agriculture,

Defendants,

and

AMERICAN FOREST RESOURCE
COUNCIL, an Oregon
corporation; BOISE BUILDING
SOLUTIONS MANUFACTURING, LLC,
a Washington limited
liability company; and Dodge
Logging, Inc., an Oregon
corporation,

Defendant-Intervenors.

NO. CV-06-0229-LRS

ORDER GRANTING PLAINTIFFS'
PRELIMINARY INJUNCTION IN PART

Pursuant to the judgment of the Ninth Circuit Court of Appeals

1 filed and entered on February 12, 2007, the captioned matter has been
2 remanded to this court with instructions to grant immediately a
3 preliminary injunction with respect to Plaintiffs' claim under the
4 National Forest Management Act ("NFMA"). The Defendants are
5 prohibited from logging any "live tree" ≥21 inches diameter at breast
6 height that currently exist in the three timber sales areas (Milly,
7 Oli, and Sun Salvage). No tree of the requisite size with green
8 needles shall be harvested in the three sales areas. Accordingly,

9 **IT IS ORDERED:**

10 1. Plaintiffs' Motion for Temporary Restraining Order and
11 Preliminary Injunction, Ct. Rec. 2, filed August 16, 2006 is **GRANTED in**
12 **part** with respect to the NFMA claim.

13 2. Defendant Forest Service shall not harvest from the three timber
14 sales areas any "live tree," ≥21 inches diameter at breast height. This
15 includes any tree of requisite size with green needles or that is not yet
16 dead.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter
18 this Order and provide copies to counsel.

19 **DATED** this 14th day of February, 2007.

20 ***s/Fred Van Sickle for Lonny R. Suko***

21 _____
22 LONNY R. SUKO
23 United States District Judge
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